

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN SPINE AND BRAIN
SURGEONS, P.L.L.C, *et al.*,

Plaintiffs,

Case No. 16-cv-12596
Hon. Matthew F. Leitman

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

**ORDER (1) GRANTING PLAINTIFF MICHIGAN SPINE AND BRAIN
SURGEONS, P.L.L.C'S MOTION FOR LEAVE TO FILE A FIRST
AMENDED COMPLAINT (ECF #23) AND (2) TERMINATING
DEFENDANT'S MOTION TO DISMISS (ECF #21) AS MOOT**

In this insurance coverage dispute, Plaintiffs Michigan Spine and Brain Surgeons, P.L.L.C. ("MSBS") and Lena LaPrad seek coverage for medical care provided to LaPrad following an automobile accident. On October 19, 2018, Defendant State Farm Mutual Automobile Insurance Company moved to dismiss MSBS' claims. (*See* ECF #21.) MSBS thereafter filed a motion for leave to file a First Amended Complaint. (*See* ECF #23). The Court scheduled hearings on the parties' motions for February 21, 2018, and April 11, 2018, but both hearings were cancelled at the request of counsel. Upon additional review of the record, a hearing is not necessary. *See* E.D. Mich. Local Rule 7.1(f)(2).

The Court concludes that it is most appropriate to allow MSBS to amend its Complaint and to resolve the issues raised in State Farm's motion to dismiss in the context of a full factual record. Accordingly, **IT IS HEREBY ORDERED** as follows:

- MSBS' motion for leave to file a First Amended Complaint (ECF #23) is **GRANTED**. MSBS shall file a First Amended Complaint by no later than **May 8, 2018**;
- State Farm's motion to dismiss (ECF #21) is **TERMINATED WITHOUT PREJUDICE AS MOOT**; and
- State Farm shall answer the First Amended Complaint within 21 days of service of that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 17, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 17, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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